

above 35 deg. 30 min., as below; and all mere absence of a restriction did, in fact, follow the commercial line.

being is the charter of its existence, and which may be changed or repealed at the pleasure of Congress. Inasmuch as those acts the power has been expressly reserved to Congress, it is not to be supposed that the Government intended that they should exist without such reservation. This was asserted in the case of *Kansas* by the most distinguished jurists in the Congress of 1856. The President appointed Governor, Judges, and all other officers whose appointment is not otherwise provided for by the Constitution, and the revenues of the Territorial Government are paid out of the federal treasury. The truth is, they have no attribute of sovereignty about them. Their sovereignty consists in having no superior. But the Territorial government has a superior in the National Government, and it is therefore dependent on it for its very existence—in whom it lives and moves and has its being—who has made and can unmake it with

Where does this sovereign authority to deprive men of their property come from? This transcendent power which despots are cautious about using, and which the Constitution's framers never exercised—how does it grow into a Territorial Legislature? Surely it does not drop from the clouds; it will not be contended that it accompanies the settlers, or exists in the Territory before its organization. Indeed it is not the people, but to the government of a Territory that Mr. Douglas says it belongs.

give the Territorial government. But not a word of kind is to be found in any organic act that ever was passed. It is thus that Mr. Douglas' argument runs itself out. But if Congress would pass a statute expressly to that effect, it would be a mere exercise of power. It is not of power to the Territorial governments, therefore, that it would have it; for the federal government has it, and does not possess any control over men's property in the Territories. That such power does not exist in the federal government is a fact that is not to be denied, and is freely. It is, besides, established by the solemn declaration of Congress, by the assent of the Executive, and the direct ratification of the people acting in their primary capacity at the polls. In addition to all this, the Supreme Court has held that Congress has no authority to pass an act that would be an unconstitutional law. This acknowledgment that Congress has no power, authority, or jurisdiction over the subject, literally oblige Mr. Douglas to give up his doctrine, or else to maintain it.

[illegible][illegible][illegible]

When a new Territory may be organized, the people should be devoted to the culture of cotton, while the people of the States should be equally certain that grazing alone is the proper business to be carried on there. If one party, by accident, by force, or by fraud, has a majority in the Legislature, the negroes should be taken from the planters; and if the other set gain the Legislature, the white people should be taken from the grazers of their cattle. Such things cannot be done by the federal government, nor by the governments of the States; but if Mr. Douglas is not mistaken, they can be done by the Territorial governments. It is not every day that we find a man who is so ready to give up his position to another, until the policy of the Territory is settled, and some experience; and, above all, until the great power of a sovereign State are regularly conferred upon the Territory properly limited, so as to prevent the gross abuses of the present system.

There is another consideration which Mr. Douglas should have been the last man to overlook. The present administration of the federal government and the whole democratic party throughout the country, including Mr. Douglas, thought that in the case of Kansas, the question of retaining or abolishing slavery

could not be determined by any representative body without giving to the whole mass of the people an opportunity of being heard. The Convention, however, did not warmly oppose the constitution, denying even its validity, because other and undisturbed parts of it had been submitted to a popular vote. Now he is willing to admit that at the whole nation was called upon to decide questions that can arise concerning the rights of the people to that or other property, shall be decided at once by the Territorial Legislature, without any submission at all to the people. He is not at all disposed to take away from the people from all the restraints of law and order; now it means a government which shall rule the people with a rod of iron. It swings like a pendulum, from one extreme to the other. The close of the Convention.

Mr. Douglas's opinions on this subject of sovereign territorial governments are very singular but they are not inconsistent with his previous opinions. He has already produced to the people and they are inclined to believe more correct than his usual ones. He has introduced into the old Congress of the Territorial confederation a plan for the government of the Territories of the United States, but not making them States, but not making them anything like sovereign or independent nations. He thought this was a mere experimental project, which was rejected by Congress, and never afterwards referred to. He has now produced a new plan, and he argues upon it as if he had not said something because a Mr. Douglas argued upon it before.

Again he says that the States gave to the federal government "the same powers which as colonies they had exercised or enjoyed," and that it was their own free will and consent which gave them up; and that he except those powers which as colonies they had claimed for themselves. If we will read a common school history of the country, and then look at article second of the constitution, we shall find that the powers were given up by the States to the United States.

"That the federal government has 'the power to lay and collect taxes, duties, imposts, and excises'; and 'that the colonies, before the Revolution, utterly refused to assent to the taxation imposed upon them from conceding to Great Britain the right to tax them without their own power, fought against it to seven long years."

There is another thing in the article which, if it had not come from a distinguished Senator and a very upright man, would have been open to some imputation of unfairness. It is the sentence, "and that the Union was made in the middle of the sentence. He professes to give us the words, and makes Mr. Buchanan say, "The slavery exists in Kansas by virtue of the constitution of the United States."

What Mr. Buchanan did say was a very different thing. His words were:—"It has been solemnly adjudged by the highest judicial tribunal known to our laws that slavery exists in Kansas by virtue of the constitution of the United States." Everybody knows that by saying the Bible is true, you can prove the non-existence of God.

[illegible]

Utah is right now, he was guilty then or most assuredly is now, of treason. He is a sovereign State as any other Territory is, and as perfectly entitled to enjoy the right of self-government. On the 12th of June, 1857, Mr. Douglas made a speech about Utah, at Springfield, Illinois, in which he expressed his opinion strongly in favor of the absolute and unconditional repeal of the organic act, blotting the Territorial government out of existence, and putting the people under the sole and exclusive jurisdiction of the United States, like a fort, arsenal, dock yard, or other national magazine. He does not seem to have had the least idea that he was proposing to extinguish a sovereignty